

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 BOGOTA 001768

SIPDIS

STATE PLEASE PASS TO USAID

E.O. 12958: N/A

TAGS: [PGOV](#) [KJUS](#) [PTER](#) [CO](#) [AUC](#)

SUBJECT: PROCEDURAL ISSUES AND LEGAL QUESTIONS SURROUNDING
PARAMILITARY DEMOBILIZATION LEGISLATION

REF: A. BOGOTA 1660

[1](#)B. 04 BOGOTA 8370 NOTAL

Ref A describes the draft bills now before the Congress. Ref B describes the structure of the Congress.

[1](#)1. (SBU) Summary: Congress is gearing up to debate demobilization legislation in a special session convened by the GOC. In a meeting with U/S Grossman on February 14 (septel), President Uribe said the earliest possible resolution of the law would be mid-June. Our senior Congressional interlocutors agree with that assessment. The GOC has attached the urgency label to the legislation, which reduces mandatory processing time between each stage of debate. Below is an overview of the timetable, procedural issues, and potential legal questions surrounding the issue, based on our discussions with House Speaker Zulema Jattin, a former Senate President and House Speaker, a senator previously on the Constitutional Court, and the administrative/legal heads of both houses of Congress. Ref B provided a detailed summary of the legislative process in Colombia. End Summary.

[1](#)2. (U) In mid-February, the GOC called Congress into special session to begin work on legislation to provide a legal framework for members of illegal armed groups (IAGs) who demobilize but are accused of major crimes. The special session formally began on February 15 and will end on March 15, after which a regular session of Congress will run until June 20. At present, nine draft bills (including one introduced by Interior and Justice Minister Sabas Pretelt for the GOC) have been submitted for consideration. Demobilization legislation can carry over from the special to the regular session.

[1](#)3. (U) So-called "ponentes," a representative group of interested members of Congress (pro and con), were named during the week of February 14. Once their initial written recommendations are ready (which may take as long as 15 days), Congressional committees will begin formal debate on the legislation. The GOC placed the "urgency" label on the issue, a move that signifies the following:

--The issue will be first on the agenda ("orden del dia") on any given deliberative day of the special session;
--The First Committees (Constitutional and Legal Issues) of both houses will meet jointly to debate the bills (but will split off to vote separately); and
--The normal 15-day waiting period between committee vote and earliest possible full House and/or Senate vote is waived.

Provided that the GOC again attaches the urgency label to the legislation once the bill has come out of the House and Senate committees, the full House and Senate would meet jointly to debate (but would again vote separately).

[1](#)4. (U) The GOC has opted to treat the legislation as "ordinary" in nature rather than "statutory." Both ordinary and statutory bills require four rounds of approval in the Congress (House committee level, full House, Senate committee level, and full Senate). However, while ordinary bills require "simply majority" (majority of quorum), statutory bills require "absolute majority" (majority of members). In addition, while the Constitutional Court may rule on challenges to any type of legislation brought before it by individual(s), it is obligated to review, on procedural grounds, statutory bills.

[1](#)5. (SBU) Not all experts agree with the GOC's decision to treat the bill as ordinary. One is Senator Carlos Gaviria, a former member of the Constitutional Court, who feels the law is statutory, as it deals with the administration of justice. (Note: Article 152 of the Constitution lists administration of justice as one area in which bills must be statutory. End Note.) The chief of staff to Senate President Luis Humberto Gomez told poloff on February 17 that Gomez agrees with Gaviria.

[1](#)6. (SBU) Comment: Given the stakes of demobilization legislation, it appears that the issue will not be resolved by Congress during the special session. Unresolved legal issues could delay passage or, if a law is passed, allow the

Constitutional Court to strike down a law on technical grounds. Nevertheless, the GOC and many members of Congress recognize the importance of this legislation and will work with an eye toward adoption by the end of the regular session in June.

17. Post asks Department to ensure this message is passed to appropriate members of the U.S. Congress.
DRUCKER